

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

PHILIP PURDUE,

Defendant.

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**DECISION AND ORDER**

20-CR-61-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On April 27, 2021, defendant Philip Purdue appeared before Magistrate Judge McCarthy and entered a plea of guilty to Count 6 of the Indictment which charges him with possession and brandishing of a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii).

Magistrate Judge McCarthy issued a Report and Recommendation (Dkt. No. 112) confirming his oral findings that defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. It is hereby

**ORDERED** that, upon review of the transcript of the April 27, 2021, change-of-plea proceeding before the Magistrate Judge, and the Report and Recommendation, the Court finds that defendant Purdue's plea of guilty was knowing, voluntary, and has a factual basis. Accordingly, defendant Purdue's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation. Dkt. No. 112. Sentencing is scheduled for August 20, 2021 at

12:30 pm. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: May 13, 2021